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**To:** [Williams, Eileen CIV NAVSUP WSS-Mech N752](#)  
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Eileen,

I took a look at the Crocca FOIA, and provide the following analysis.

--First, regarding the possibility that this is subject to a "high 2" exemption, I don't believe that it is. The test for a high 2 is that the document be "predominantly internal", which this is, and that disclosure could risk circumvention of agency regulations or statutes. I don't see the second prong of the test being met here.

--Second, regarding whether this could be a B6, the answer is probably not. B6 protects personal information, and this is being released to the subject of the record, so there's no risk of violating Crocca's privacy rights if the document relates only to him. Having said that, of course if we release the documents, they should be redacted for PII for the folks who sent and received the e-mails.

--The closest is the other exemption you raised, exemption 5, deliberative process. Most of the deliberative process cases are applied to situations where individuals are providing information about "legal or policy matters." There are situations where the exemption has been applied to factual information regarding an individual (as opposed to a policy), but the courts are split on this, and the ultimate outcome if we did not disclose is unclear.

The bottom line is that, with the exception of the PII in the e-mails, I don't see that an exemption applies at this point, and would recommend redacting the e-mails for PII and releasing them (if the requestor is still interested in obtaining the information).

R/Teresa

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